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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/782,668
Filing Date: February 19, 2004
Appellant(s): ACCAPADI ET AL.

John Biggers
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 10, 2008 appealing from the Office action mailed April 24, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is the evidence relied upon in the rejection of claims under appeal:

McCanne (US Pat. No. 6,785,704) and Frerreia et al. (US Pat. No. 6,857,009).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 2, 8 and 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains "the table capable of supporting many-to-many relationships" which was not clearly described in the specification in such a way as to reasonably convey to one skilled in the relevant art. A table a lone cannot be capable of supporting network link or connection protocols to effectively carry out a network connection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCanne (US Pat. 6,785,704) in view of **Frerreia et al. (US Pat. 6,857,009).**

Regarding claims 1, 7 and 13, McCanne discloses a method of DNS routing (abstract), the method comprising:

mapping for a user in a data communications application a domain name of a network host (col. 10, lines 15-20 **hosting facility)** to a DNS network address for a DNS server (col.17, lines 8-18), wherein the DNS server has a host network address for the domain name (at least col. 17, lines 17-40; col. 31, lines 45-60), and wherein mapping the domain name to the DNS network address for the preferred DNS server further comprises receiving from the user the domain name for a network host having a domain name registered on the preferred DNS server and receiving from the user a network address for the preferred DNS server (col. 17, lines 17-40; col. 19, lines 14-17; col. 31, 55, 60; mapping domain name on the target DNS network address);

receiving from the user a request for access to a resource accessible through the network host (abstract; col. 17, lines 55-60); and

routing to the DNS server a DNS request for the network address of the network host (col. 10, lines 15-20), the DNS request including the domain name of the network host (abstract; col. 17, lines 63-67; col. 31, lines 58-59 **teaches the routing/redirecting carried out by DNS server that responds to request received**).

While McCanne teaches client triggering a specific connection to specific server (col. 20, lines 30-37), McCanne does not explicitly say a user defined preferred DNS routing server. However, in the same field endeavor of DNS server routing, **Ferreria et al.** teach user define preferred DNS server (col. 3, lines 30-32 & 52-54 **teaches user specified DNS servers**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the user specified DNS server taught by Ferreria et

al. into the mapping, routing and receiving taught by McCanne to connect and redirect service with user specific server selection balance server loads for the motivation of relieving network bottleneck and network jam.

Regarding claims 2, 8 and 14, see the discussion of claims 1 and 7 above, Ferreria et al. further teach storing (col. 14, lines 46-52), through the data communication application (col. 14, lines 46-52), the domain name in association with the DNS network address for a preferred DNS server in a data structure in computer memory (col. 14, lines 49-51), the table capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers (col. 3, lines 30-32 & 52-54; col. 6, lines 55-61 **teaches computer memory device associated with user specified DNS servers; thus a many-to-many relationship is included**).

Regarding claims 3, 9 and 15, see the discussion the method of claims 1, 7 and 13. McCanne further teaches wherein routing a DNS request for the host network address of the network host is carried out by the data communications application (col. 6, lines 51-57).

Regarding claims 4 and 10, McCanne further teaches wherein routing a DNS request for the host network address of the network host is carried out by an operating system (col. 24, lines 31-38 a server is an operating system).

Regarding claims 5 and 11, McCanne further teaches wherein routing a DNS request for the network address of the network host is carried out by a pre-designated DNS server, wherein a predesignated DNS server is a standard DNS server having a

network address that is predesignated as a default operating parameter for the data communication application (col. 19 lines 5-27). Ferreria et al. also disclose a predesignated DNS server operating for the data communication application (col. 3, lines 30-32 & 52-54).

Regarding claims 6, 12 and 16, see the discussion of claims 1, 7 and 13 above, McCanne further teaches receiving from the DNS server a DNS response identifying the network address of the network host (abstract; col. 17, lines 63-67; col. 31, lines 58-59); and accessing the resource through the host network address of the network host (abstract; col. 17, lines 63-67; col. 31, lines 58-59).

(10) Response to Argument

I (Issue): Does the limitation of claims 2, 8 and 14, recites "the table capable of supporting many-to-many relationships between user identifiers, domain names, and DNS network addresses" for preferred DNS servers fail to comply with the written description requirement?

- The Appellants argue that in *Appellants' original specification, at pages 1 1-12, Appellants include a table that illustrates a many- to-many relationship between user identifiers, domain names, and DNS network addresses for preferred DNS servers. In particular, the table at pages 11-12, illustrates a mapping between one user, Marilyn, and three domain names and three preferred DNS Server Network Addresses. Furthermore, the same table illustrates a mapping between another user, John, and three domain names and three preferred DNS Server Network Addresses. That is, the table illustrates many-to-*

many relationships between user identifiers, domain names, and DNS network addresses for preferred DNS servers because the table illustrates a complex association between two sets of parameters, in the present case the two sets of parameters are user identities and domain names or user identities and DNS network addresses for preferred DNS servers, in which many parameters of each set can relate to many others in a second set, thereby satisfying the definition of a many-to-many relationship.

In response to the Appellants' argument, the Examiner respectfully disagrees with the Appellants' argument. While the table illustrate different users (e.g. John and Mary) map to three different domain names and share only one common **domain name** (e.g. IBM), it is unclear if different users could connect to a **common preferred DNS server network address**. Clearly, a domain name and a preferred DNS server network address, as shown in Appellants' specification, are not the same. Hence, the specification, at best, discloses only a many-to-one relationship among users to a **preferred DNS server network address**. Therefore, the limitation "the table capable of supporting many-to-many relationship between user identifiers and DNS network addresses" fails to comply with the written description requirement.

II (Issue): Does the cited combination (McCanne and Frerria) show or suggest "mapping for a user in a data communications application a domain name of a network host to a DNS network address for a preferred DNS server" in combination with the features as is required by claims 1-16 of present application?

- The Appellants argues that *the preferred DNS server is specified by a user as the preferred DNS server for resolving a domain name for a particular network host. That is, a user prefers a particular DNS server for resolving a particular host's network address from the host's domain name. That same user may prefer other DNS servers for resolving domain names for other network hosts. In contrast to the claims in the present application, McCanne has nothing to do with a user specifying various preferred DNS servers, each of which is the DNS server preferred by the user for resolving one or more domain names. McCanne merely discloses resolving a single domain name to one of a set of possible network addresses--McCanne does not disclose that h domain name of a network host is mapped to a network address for a preferred DNS server specified by the user, as claimed here. Likewise, Frerria also does not disclose discloses mapping a domain name of a network host to a network address for a preferred DNS server as specified by a user. In fact, Frerria's DNS redirection service merely discloses redirecting a client's DNS request from one DNS to another--not mapping a network host's domain name to a network address for a preferred DNS server. In addition to McCanne and Frerria's failure to disclose mapping a domain name of a network host to a network address for a preferred DNS server, McCanne and Frerria also do not disclose the first element of claim 1 in the present application because neither the cited portions of McCanne nor the cited portions of Frerria teach receiving a network address for the preferred DNS server from a user. That is, McCanne and Frerria do not disclose that a user specifies the preferred DNS*

server used to resolve the network address for a particular host from that host's domain name as claimed in the present application. ***The concept of a preferred DNS server specified by a user is absent from the cited combination of references.***

The Examiner is in disagreement with the Appellants' argument. The Appellants seem to agree with the Examiner that routing or resolving domain name resolution of a network host to a DNS network address is equivalent to **mapping a domain name of a network host to a DNS network address**. The notion of a preferred DNS server specified by a user is disclosed by McCanne. For instance, a DNS server corresponds to a user's request is no different than a preferred DNS server as specified by a user (last 5 lines of abstract). A user's request does include a preferred DNS server so that the only corresponding server to respond; without the preference by the user, any server would respond. In addition, a user N3 could utilize a preferred DNS server S1 in particular (McCanne, col. 19, lines 14-15) when making a request for services. Thus, the cited references, in combination, show the concept of a preferred DNS server specified by a user.

The Appellants' arguments of claims 1-16 have not been found to be persuasive because the cited references, in combination, do suggest the method comprising the concept of a preferred DNS server specified/requested by a user for resolving a user in a data communications application a domain name of a network host to a DNS network address for a DNS server as required by claims 1-16 of the present application.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

TuanKhanh Phan (GAU 2163)

Conferees:

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